THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.25710 of 1999

Dated : 25.06.2007

Between:

Md.Asdulah Shareef S/o late Sri Md.Rahmatullah Shareef

... **PETITIONER**

And:

The Commissioner, Printing, Stationary & Stores Purchase (Printing Wing), Chanchalguda, Hyderabad and another.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER:

Petitioner was working as Senior Compositor in Government Printing Press. On medical invalidation, he retired from service on 31.12.1994, by proceedings of the Additional Director of Printing, Government Central Press, Hyderabad, dated 02.01.1995. Be that as it is, while he was in service, petitioner was contributing one day salary towards the Mutual Benefit Fund (fund) introduced by the Department till his retirement, and the first respondent was its custodian. The scheme of the said fund was that on retirement/death, the aggregate deposits together with interest would be paid to the retired employees/dependants. After retirement, petitioner submitted the required documents for pension and other benefits. His complaint is that though pension and other benefits were paid to him, and though the deposit made by other employees towards the fund was paid to them after retirement, he was not paid the same. Hence, he made

representations on 27.03.1999 and 12.04.1999 requesting the authorities to consider his case and pay the contribution paid by him. However, by proceedings dated 28.06.1999, the first respondent informed that his request could not be considered as the Society was wound up long back. Hence, this writ petition seeking a direction to the respondents to calculate the deposit made by the petitioner towards fund and pay the same to the petitioner.

Despite service of notices, respondents have not chosen to file any counter.

Heard the learned counsel for the petitioner and the learned Government Pleader for General Administration.

The respondents refused to pay the deposits made by the petitioner towards the fund only on the ground that the society was wound up. But, this Court is of the view that merely because the society was wound up, the respondents shall not deprive the petitioner of his hard earned money, as he contributed to the fund from his monthly salary. Therefore, petitioner is entitled for refund of the said contribution. Even if the Society is wound up, the deposits made by the employees must be with the department, which shall be paid to the employees.

Accordingly, the writ petition is allowed and a Mandamus is issued directing the respondents to calculate the deposits made by the petitioner towards the Mutual Benefit Fund during his tenure of service and pay the same to him at the earliest. There shall be no order as to costs.

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25.06.2007

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